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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/627,870	07/28/2000	David H. Sprogis	5014	2817

7590 05/05/2005

William E Hilton
Samuels Gauthier & Stevens LLP
225 Franklin Street
Suite 3300
Boston, MA 02110

EXAMINER

MYHRE, JAMES W

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/627,870

Applicant(s)

SPROGIS, DAVID H.

Examiner

James W Myhre

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 27-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/3/05 (Remailing)</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 14, 2005 has been entered.

Response to Amendment

2. The Preliminary Amendment filed February 14, 2005 is sufficient to overcome the rejection of claims 1-26 based upon Rabonsky (6,141,530) and Hunter (6,424,998) by canceling all of the rejected claims. The Preliminary Amendment canceled Claims 1-26 and added new Claims 27-37. Therefore, the currently pending claims considered below are Claims 27-37.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 27 and 29-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Rabonsky (6,141,530).

Claim 27: Rabonsky discloses a system for providing advertisement information to an audience, comprising:

a. means for receiving and storing job requests including data representative of an advertisement and data representative of a schedule request including at least one of a requested movie genre, a requested movie rating, a requested showing location, a requested showing time, a requested movie release start date, and a requested movie release end date (col 4, lines 11-16; col 8, lines 11-24; col 12, lines 26-28; and col 14, lines 4-19);

b. means for storage actual movie showing data including movie showing identification data and audience common interest data which includes movie genre, movie rating, showing location, showing time, release start date, and release end date (col 1, line 61 – col 2, line 4; col 2, lines 27-46; and col 10, lines 11-34);

c. means for selecting (matching) a plurality of actual movie showings with schedule request data associated with a plurality of job requests with matching audience common interest data (col 7, lines 38-49 and col 12, lines 8-28); and

d. means for permitting an advertisement associated with each selected job request to be presented at the actual movie showing)(col 12, lines 26-28)(The Examiner notes that any reference which does not explicitly prevent the advertisement from being presented inherently permits the advertisement to be presented.

Claim 30: Rabonsky discloses a system for providing advertisement information to an audience as in Claim 27 above, and further discloses an audience attendance feedback unit which tracks the number of people attending each actual movie showing (col 5, lines 43-46; col 9, lines 3-11; and col 10, lines 28-30).

Claim 31: Rabonsky discloses a system for providing advertisement information to an audience as in Claim 27 above, and further discloses generating an exposure log (report) for data representing the presentation of advertisements, trailers, and the actual movie showings (col 7, lines 8-11; col 12, lines 30-35; and col 14, lines 20-30).

Claims 32-34: Rabonsky discloses a system for providing advertisement information to an audience as in Claim 27 above, and further discloses the audience common interest data includes information regarding a movie rating, time of day scheduled to be shown, first showing movie, etc. (col 3, lines 22-26; col 7, lines 38-47; col 7, line 61 – col 8, line 41; col 9, lines 43-50; col 10, lines 34-67; and col 12, lines 9-19).

Claim 35: Rabonsky discloses a system for providing advertisement information to an audience as in Claim 27 above, and further discloses means for assembling a plurality of frames (tiles) into a composite frame (Figure 3 and col 11, lines 11-46).

Claim 36: Rabonsky discloses a system for providing advertisement information to an audience as in Claim 35 above, and further discloses using a digital projector to display the composite frame (col 9, lines 43-50 and col 10, lines 34-67).

Claim 37: Rabonsky discloses a system for providing advertisement information to an audience as in Claim 27 above, and further discloses the system providing an exposure report (col 7, lines 5-13; col 8, lines 1-11; and col 12, lines 30-35).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rabonsky (6,141,530).

Claims 28 and 29: Rabonsky discloses a system for providing advertisement information to an audience as in Claim 27 above, and further discloses that the scheduling system includes scheduling and playout of all trailers and data files (e.g. advertisements)(col 12, lines 8-28). While it is not explicitly disclosed that more than one job request is associated with an actual movie showing, nor that more than one actual movie showing is associated with a job request, Official Notice is taken that it is old and well known for theaters to display a plurality of advertisements and trailers while

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the audience is waiting for the actual movie showing to start. Likewise, it is old and well known that theaters present many of the same advertisements (e.g. advertising the theater's concession stand) and trailers to audiences awaiting the start of different actual movie showings. Therefore, it would have been obvious to one having ordinary skill in the art to select a plurality of job request for each actual movie showing and to select a plurality of actual movie showings for each job request in Rabonsky. One would have been motivated to select more than one advertisement per actual movie showing in order to keep the audience entertained for the 5-30 minutes they are awaiting the start of the actual movie showing. One would have been motivated to select more than one actual movie showing per job request in order to preclude the need to make unique advertisements and trailers for every possible actual movie showing. In other words, there would only need to be one advertisement for the theater's concession stand, not a unique one for each actual movie showing.

Response to Arguments

6. Applicant's arguments filed February 14, 2005 have been fully considered but they are not persuasive.

a. The Applicant argues that Rabonsky does not disclose an automated dynamic selection system that selects actual movie showings based on a selected job request criteria, such as movie genre, movie rating, showing location, showing time, release start date, and release end date (page 7). However, the Examiner notes that Rabonsky explicitly discloses that "the automation/scheduling system schedules these playbacks,

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and provides the necessary machine control to automatically play the cinemas at the scheduled times. It includes the scheduling and playout of all trailers" (col 12, lines 9-16). Thus, while the theater operator may use the "theater operator interface" to modify the schedule, such as inserting "advertisements for local businesses" into the schedule, the actual selection of the stored movie showing, trailers, and advertisements from the databases and the presentation thereof are performed automatically at the appropriate scheduled times by Rabonsky's automation/scheduling system. Nowhere in the specification does Rabonsky indicate that the advertisements are being physically selected by the theater operator and fed directly into a presentation device. It is disclosed that the theater operator is modifying the schedule by changing play times, which screen are showing which cinemas, or inserting local advertisements into the schedule.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exr. James W. Myhre whose telephone number is (703) 308-7843. The examiner can normally be reached Monday through Thursday from 6:30 a.m. to 3:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber, can be reached on (703) 305-8469. The fax phone number for Formal or Official faxes to Technology Center 3600 is (703) 872-9306. Draft or

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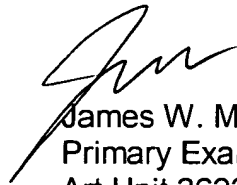
Informal faxes, which will not be entered in the application, may be submitted directly to the examiner at (703) 746-5544.

Note: Effective April 2005, the examiner's telephone numbers will be changed to (571) 272-6722 (phone) and (571) 273-6772 (Informal faxes); and the examiner's supervisor's telephone number will be changed to (571) 272-6724.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group Receptionist whose telephone number is (703) 308-1113.



JWM
May 3, 2005



James W. Myhre
Primary Examiner
Art Unit 3622